



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 05.03.2018

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.18019 of 2014
and
M.P(MD).Nos.1 & 2 of 2014

S.Amir Ibrahim

..Petitioner

Vs.

The Managing Director,
Tamilnadu State Transport Corporation Limited,
Madurai Division No.1,
Bye Pass Road,
Madurai-625010.

... Respondent

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, forbearing the respondent from in any way deducting any amounts from the pension amount payable to the petitioner on the basis of the alleged excess payment made by the respondent to the petitioner at the time of final settlement of retirement benefits.

For Petitioner : Mr.B.Jameel Arasu

For Respondent : Mr.A.P.Muthupandian
Standing counsel

ORDER

The petitioner was employed in the respondent's corporation. He has retired from service. On the ground that some excess payment was made, recovery has been made in the writ petitioner's pension and it has already been reduced.

2.It is submitted by the learned counsel for the petitioner that no formal order for deducting the petitioner's pension or for recovery has been made so far. In the absence of the passing of such an order, it is not open to the respondent to deduct any amount from the pension amount payable to the writ petitioner. If the respondent wants to deduct any amount, he must definitely put the petitioner on notice and thereafter only proceed to deduct. Since no such procedure was adopted in this case, Mandamus is issued forbearing the respondent from in any way deducting any amount from the petitioner's pension amount. It is of course made clear that the respondent is at liberty to proceed in accordance with law.



3.The writ petition allowed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(T&P)

/True Copy/

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Sub Assistant Registrar

To

The Managing Director,
Tamilnadu State Transport Corporation Limited,
Madurai Division No.1,
Bye Pass Road,
Madurai-625010.

+1CC to Mr.B.Jameel Arasu, Advocate, SR.No. 53093

W.P(MD)No.18019 of 2014
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rmk

AM/SKN RSK/SAR 3/06.03.2018/2P/3C